

**MINUTES FOR THE COURT OF APPEAL
STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT**

April 7, 2004

DIVISION TWO

B163938 People v. Cardoza (Not for Publication)

The judgment is affirmed.

Doi Todd, J.

We concur: Nott, Acting P.J.
Ashmann-Gerst, J.

B166323 People (Not for Publication)
v.
Garcia

The judgment is affirmed.

Doi Todd, J.

We concur: Boren, P.J.
 Nott, J.

B163669 Jowdy, et al. (Not for Publication)
v.
American Title Company, et al.

The judgment is affirmed. Appellants are ordered to bear respondent's costs of appeal.

Doi Todd, J.

We concur: Boren, P.J.
 Ashmann-Gerst, J.

April 7, 2004 (Continued)

DIVISION TWO (Continued)

B158640 Winauski (Not for Publication)
 v.
 Vergo

The orders are affirmed. Respondents to recover costs on appeal.

Doi Todd, J.

We concur: Nott, Acting P.J.
 Ashmann-Gerst, J.

DIVISION FOUR

B159812 Aronsohn (Not for Publication)
 v.
 City of Los Angeles

The judgment is reversed and the matter is remanded for further proceedings. Appellant is to recover her costs.

Curry, J.

We concur: Epstein, Acting P.J.
 Hastings, J.

B161671 Dominguez, et al. (Not for Publication)
 v.
 Home Depot U.S.A., Inc.

The judgment is affirmed.

Hastings, J.

We concur: Epstein, Acting P.J.
 Curry, J.

April 7, 2004 (Continued)

DIVISION FOUR (Continued)

B163214 Rangel
v.
Williams

(Not for Publication)

The judgment is affirmed.

Curry, J.

I concur: Hastings, J.
I dissent: Epstein, Acting P.J. (Opinion)

B169877 Los Angeles County, D.C.S. (Not for Publication)
v.
Evelyn E.

The orders are affirmed.

Curry, J.

We concur: Epstein, Acting P.J.
Hastings, J.

B159815 Dickens (Certified for Partial Publication)
v.
Provident Life and Accident Insurance Company

The order appealed from is affirmed.

Hastings, J.

We concur: Epstein, Acting P.J.
Curry, J.

April 7, 2004 (Continued)

DIVISION FIVE

B164239 William Ofman (Not for Publication)
 v.
 Jardine Motors Limited, et al.

The judgment is affirmed. Respondent(s) to recover costs.

Grignon, J.

We concur: Turner, P.J.
 Armstrong, J.

DIVISION SIX

B166997 People (Not for Publication)
 v.
 Bird

The judgment is affirmed.

Gilbert, P.J.

We concur: Yegan, J.
 Perren, J.

DIVISION SEVEN

B170236 People (Not for Publication)
 v.
 Kelly

The orders granting the Penal Code section 1538.5 motion and dismissing the action are reversed.

Zelon, J.

We concur: Perluss, P.J.
 Johnson, J.

April 7, 2004 (Continued)

DIVISION SEVEN (Continued)

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The judgment is affirmed.

Zelon, J.

We concur: Johnson, Acting P.J.
Woods, J.

B164741 Machtinger (Not for Publication)
v.
Avenue of the Stars, LLC, et al.

The judgment is affirmed. Respondent(s) to recover costs.

Zelon, J.

We concur: Perluss, P.J.
Johnson, J.

B166901 Campbell (Not for Publication)
v.
Simmonds

The judgment is affirmed. Respondent(s) to recover costs.

Zelon, J.

We concur: Perluss, P.J.
Woods, J.

April 7, 2004 (Continued)

DIVISION SEVEN (Continued)

B172800 Glen K. (Not for Publication)

V.
Superior Court, Los Angeles County
(DCFS, r.p.i.)

Because substantial evidence supports the juvenile court's order to conduct a hearing pursuant to section 366.26, the petition is denied on the merits.

Woods, J.

We concur: Perluss, P.J.
Zelon, J.

B170607 People (Not for Publication)

V. Falls

The judgment is affirmed.

Woods, J.

We concur: Perluss, P.J.
Johnson, J.

B160679 People (Not for Publication)

V. Hemingway

The judgment is affirmed.

Woods, J.

We concur: Perluss, P.J.
Johnson, J.

April 7, 2004 (Continued)

DIVISION SEVEN (Continued)

B166369 People (Not for Publication)

V.
Mijares, Jr.,

The judgment is affirmed, and the matter is remanded to permit the court to exercise its discretion to impose either concurrent or consecutive sentences on all subordinate counts, including proper sentences on the sexual assault counts, in accordance with the views expressed in this opinion.

Woods, J.

We concur: Perluss, P.J.
Zelon, J.

B167745 People (Not for Publication)

V.
Reed

The judgment is affirmed.

Woods, J.

We concur: Perluss, P.J.
Johnson, J.

B152713 French (Not for Publication)

V.
Can-Am Construction Co., Inc., et al.

The appeal is dismissed. Costs are awarded to respondents.

Woods, J.

We concur: Perluss, P.J.
Johnson, J.

DIVISION SEVEN (Continued)

B154205 Navarro, et al. (Not for Publication)
v.
Transportation Insurance Company

The judgment is reversed, in part and affirmed in part. Specifically, the court's order granting the JNOV on the breach of contract claim for the Mack truck is affirmed. The judgment is reversed in all other respects and remanded for further proceedings. On remand, the trial court is directed to: (1) vacate its order denying the JNOV on the breach of contract cause of action for the Pierto Construction claim and to enter a new and different order granting the JNOV on this claim; (2) vacate its order granting a new trial solely on the issue of damages on the breach of contract and breach of covenant of good faith and fair dealing causes of action; (3) vacate its order denying a new trial on the negligence cause of action; and (4) enter a new and different order granting a new trial on negligence, bad faith and breach of contract for the Car Spa Claim and reopening discovery on these claims. Each party shall pay its own costs on appeal and cross-appeal.

Woods, J.

We concur: Perluss, P.J.
 Johnson, J.

B164347 Huang (Not for Publication)
v.
Democratic National Committee, et al.

The judgment is affirmed. Respondent(s) to recover costs.

Perluss, P.J.

We concur: Johnson, J.
 Woods, J.